

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SOON BOK PARK, *et al.*,

Plaintiffs,

V.

NORTHWEST TRUSTEE SERVICES,  
INC., *et al.*,

## Defendants.

Case No. C14-0723RSL

## ORDER OF DISMISSAL

This matter comes before the Court *sua sponte*. On May 14, 2014, plaintiffs filed the above-captioned matter alleging that the Court has jurisdiction based on a federal question and the diversity of citizenship of the parties. 28 U.S.C. § 1331 (federal courts have original jurisdiction over all claims “arising under the Constitution, laws, or treaties of the United States”); 28 U.S.C. § 1332(a) (establishing that the federal court’s basic diversity jurisdiction extends to “all civil actions where the matter in controversy exceeds . . . \$75,000 . . . and is between . . . citizens of different States.”). Because plaintiffs have asserted only state law causes of action and complete diversity is lacking, plaintiffs were ordered to show cause why the case should not be dismissed for lack of subject matter jurisdiction.

1 Plaintiffs subsequently filed an “Amendment of Complaint” (Dkt. # 5) and  
2 a response to the order to show cause (Dkt. # 7). The amendment simply identifies the  
3 Doe defendant and does not cure the jurisdictional defects identified by the Court. The  
4 response asserts that resolution of plaintiffs’ state law claims will necessarily involve the  
5 interpretation and application of the federal Home Affordable Modification Program  
6 (“HAMP”) and./or the interpretation of a contract between the United States and  
7 defendant Green Tree Servicing LLC. Plaintiffs further assert a preference for litigating  
8 in federal court and argue that it would be unjust to dismiss this case after they paid the  
9 filing fee.

10 Federal courts are of limited jurisdiction and have the power to hear only  
11 matters authorized by the Constitution or Congress. The mere presence of a federal issue  
12 when determining whether plaintiffs have alleged a viable state law claim does not  
13 automatically confer federal question jurisdiction: if no federal cause of action is  
14 provided in the statute, exercising federal jurisdiction over the matter would flout  
15 congressional intent by providing a federal remedy where none was contemplated.  
16 Merrell Dow Pharm., Inc. v. Thompson, 478 U.S. 804, 811 (1986). In this case, plaintiffs  
17 argue that defendants’ violations of HAMP establish the causation element of their state  
18 law claims. There is no private cause of action under HAMP, and providing a federal  
19 forum and remedy would trample the congressionally-approved balance of federal and  
20 state judicial responsibilities. Grable & Sons Metal Prods., Inc. v. Darue Eng’g & Mfg.,  
21 545 U.S. 308, 314 (2005). To the extent plaintiffs argue that their contract claim  
22 implicates a federal right because the United States was a contracting party, they are  
23 mistaken. The United States is not asserting any claims in this matter, and whether  
24 plaintiffs can seek recovery as a third-party beneficiary of a contract to which they were  
25 not a party will be decided by state law principles.

1 No federal question has been asserted in this case. The Court therefore  
2 lacks the power to hear this dispute. Plaintiffs' preference for a federal forum and their  
3 fairness arguments cannot create federal jurisdiction where none exists. This matter is  
4 therefore DISMISSED without prejudice

5 Dated this 3rd day of June, 2014.

6 Robert S. Lasnik

7 Robert S. Lasnik  
8 United States District Judge